

**Senator Elizabeth Warren, Ranking Member Sherrod Brown, Senator Robert Menendez,  
Senator Catherine Cortez Masto**

**Questions for the Record**

**Nomination hearing of Ms. Kathleen Laura Kraninger, of Ohio, to be Director, Bureau of  
Consumer Financial Protection; and Ms. Kimberly A. Reed, of West Virginia, to be  
President of the Export-Import Bank.**

**July 19, 2018**

**For Ms. Kraninger**

**Child Separation**

1. In the hearing, you dodged questions about your involvement in the Administration's policy to separate children from their parents at the border, refusing to answer or using passive language to avoid describing your personal role.
  - a. You testified that your "involvement level" on any issue "really does vary substantially based on the president's priorities, the director's priorities, the agency heads' priorities, how much authority they have." How would you characterize your involvement level on policies resulting in child separations at the border?
  - b. You testified that "[s]ubsequent to the attorney general's announcement [of the zero-tolerance policy], there were meetings within the administration on the general topic of the implementation, and again, the Office of Management and Budget does actively participate in those meetings." Please provide a list of the meetings that you attended, the title of the meeting, the dates of the meetings, and who else was in attendance.
  - c. You testified that "[i]n terms of what generally comes before the Office of Management and Budget, it is what the agencies are formulating. They put forward what their leadership would like to pursue or they have received direction from the President about activities that they should undertake. And they are formulating the -- a manner in how to address what the President's priorities are, and what he has asked of them. And then we are supporting that effort." Please describe how you "support[ed] the effort" of the Department of Homeland Security as the agency separated thousands of parents from their children at the border.
  - d. You testified that "with respect to the IRS rule [on disclosing political donations], I was aware of it happening. I know that my staff reviewed it." Were you aware that the child separation policy was happening? Did you or your staff review it?
  - e. You testified that "horrible disasters last fall, because there was clear need for additional resources, the Office of Management and Budget was -- was very engaged." Were additional resources required to implement the child separation policy? If so, did the Office of Management and Budget approve or reject any requests for additional resources or play any other role in providing resources?

What role did you personally play in determining whether to approve or deny any such requests?

2. Please provide a complete description of any role you may have played in OMB budgetary or policy decisions, analyses, or recommendations related to DOJ's "Zero-Tolerance Policy," DHS's implementation of the changes stemming from this policy, and the separation of children from their parents who were detained under such policy. Please include a list of all meetings you attended (in person or by telephone or other electronic means) related to these budgetary or policy decisions, analyses, or recommendations, the topics discussed in these meetings, and a list of all other attendees of these meetings.
3. Please provide all emails and other documents related to your communications with DOJ officials related to the development and implementation of DOJ's "Zero-Tolerance Policy" and the separation of children from their parents who were detained under such policy.
4. Please provide all emails and other documents related to your communications with DHS officials regarding the DHS's role in separation of children from their parents who were detained under the DOJ Zero Tolerance policy.
5. Please provide all emails and other documents related to your communications with White House officials, including Senior Advisor to the President Stephen Miller, related to the development of the Zero Tolerance Policy, DHS's implementation of changes stemming from the Zero Tolerance Policy, or the separation of children from their parents who were detained under the DOJ Zero Tolerance policy.
6. Please provide any final or draft OMB analyses, recommendations, or budgetary or policy decisions in which you were involved related to the DOJ Zero Tolerance Policy, or related to DHS role in this policy, including DHS's role in the separation of children from their parents who were detained under the DOJ Zero Tolerance policy, and any emails, or other communications related to these final or draft recommendations, or budgetary or policy decisions.

### **Puerto Rico**

7. Please provide a complete description of any role you may have played in OMB disaster supplemental appropriations requests to Congress, budgetary or policy decisions, analyses, or recommendations related to the Trump Administration's response to Hurricane Maria. Please include a list of all meetings you attended (in person or by telephone or other electronic means) related to these disaster supplemental appropriations requests to Congress, budgetary or policy decisions, analyses, or recommendations, the topics discussed in these meetings, and a list of all other attendees of those meetings. Such documents should cover, but not be limited to, any meetings, communications, or deliberations related to the following requests and appropriations:
  - October 4, 2017 requested supplemental;
  - Public Law Number 115-72;

- November 17, 2017 requested supplemental; and
  - Public Law Number 115-123.
8. Please provide all emails and other documents related to your communications with DHS officials related to the development of disaster supplemental appropriations requests to Congress and implementation of enacted appropriations.
  9. Please provide all emails and other documents related to your communications with Treasury officials related to the development of disaster supplemental appropriations requests to Congress and implementation of enacted appropriations.
  10. Please provide all emails and other documents related to your communications with HUD officials related to the development of disaster supplemental appropriations requests to Congress and implementation of enacted appropriations.
  11. Please provide all emails and other documents related to your communications with Puerto Rico government officials, employees, and consultants, related to the development of disaster supplemental appropriations requests to Congress and implementation of enacted appropriations.
  12. Please provide any final or draft OMB analyses, recommendations, or budgetary or policy decisions in which you were involved related to the Administration's response to Hurricane Maria, and any emails, or other communications related to these final or draft recommendations, disaster supplemental appropriations requests, or other budgetary or policy decisions.
  13. Please provide all emails or other documents relating to your involvement with the Trump Administration's response to Hurricane Maria, including but not limited to: negotiations or discussions with Puerto Rico government officials, employees, and consultants regarding the intent, design, statutory language, and implementation of the community disaster loan in the Public Law Number 115-72; and negotiations or discussions with Puerto Rico government officials, employees, and consultants regarding the procedures related to Section 428 of the Stafford Act.
  14. Please provide all emails or other documents relating to your involvement with the Trump Administration's response to Hurricane Maria, including but not limited to: negotiations or discussions with other Trump Administration, DHS, Treasury, and HUD officials regarding the intent, design, statutory language, and implementation of the community disaster loan in the Public Law Number 115-72; and negotiations or discussions with other Trump Administration, DHS, Treasury, and HUD officials regarding the procedures related to Section 428 of the Stafford Act.

### **Transparency**

15. At the hearing, you claimed that the information and documents multiple Senators were requesting about your role in the development and implementation of the child separation

policy were protected by the deliberative process privilege. You also testified that the Administration was not formally invoking the deliberative process privilege and that you were not personally invoking the deliberative process privilege on the advice of counsel.

- a. As of the date of your response to the questions in this document, is the Trump Administration invoking any privilege with regard to any of the information or documents requested in the letter from Senators Warren and Brown on June 18, 2018?
- b. As of the date of your response to the questions in this document, are you personally invoking any privilege with regard to any of the information or documents requested in the letter from Senators Warren and Brown on June 18, 2018?
- c. If either you or the Trump Administration is invoking any privilege with regard to any of the documents or information requested in the June 18<sup>th</sup> letter, please describe in detail which documents and information the privilege protects and cite legal precedent for your claim that the privilege applies to such documents or information.
- d. If neither you nor the Trump Administration is invoking any privilege with regard to the some or all of the information or documents requested in the June 18<sup>th</sup> letter, please explain why it is appropriate to withhold that non-privileged information from the Banking Committee before the Committee votes on your nomination. Please keep in mind that the material requested bears directly on your ability to manage complicated and important policies – which will be your responsibility if confirmed to run the CFPB – and that both you and the Trump Administration have specifically touted your purported management expertise as the primary reason to confirm you to this position.